

By: Wray

H.B. No. 1250

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to prohibit the land application of certain sewage sludge in the county or in a portion of the county.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 361.121(o), Health and Safety Code, is amended to read as follows:

(o) The commission may not issue a permit under this section for a land application unit that is located:

(1) in a county described by Section 361.1215(b) if the commissioners court of the county has adopted an order under Section 361.1215(c) that prohibits the land application of Class B sludge in the county or in the portion of the county where the land application unit is located; or

(2) both:

(A) [~~1~~] in a county that borders the Gulf of Mexico; and

(B) [~~2~~] 500 feet or less from any water well or surface water.

SECTION 2. Subchapter C, Chapter 361, Health and Safety Code, is amended by adding Section 361.1215 to read as follows:

Sec. 361.1215. COUNTY PROHIBITION ON LAND APPLICATION OF SLUDGE. (a) In this section:

(1) "Class A sludge" means sewage sludge that meets

one of the pathogen reduction requirements of 30 T.A.C. Section 312.82(a)(1)(B).

(2) "Class AB sludge" means sewage sludge that meets one of the pathogen reduction requirements of 30 T.A.C. Section 312.82(a)(1)(A).

(3) "Class B sludge" has the meaning assigned by Section 361.121.

(b) This section applies only to a county that:

(1) does not contain a municipality located entirely within the county that has a population of more than 40,000;

(2) is adjacent to two counties with populations of more than one million; and

(3) is located in the Region C regional water planning area designated in accordance with Section 16.053, Water Code.

(c) Notwithstanding any other law, the commissioners court of a county described by Subsection (b) by order may prohibit the land application of one or more specific types of sewage sludge, including Class A sludge, Class AB sludge, and Class B sludge, in the county or in a portion of the county. In determining whether to adopt an order under this subsection, the commissioners court may consider whether the sludge was processed using thermophilic hydrolysis.

SECTION 3. Not later than January 1, 2018, the Texas Commission on Environmental Quality shall adopt any rules required to implement the changes in law made by this Act.

SECTION 4. (a) The changes in law made by this Act apply only to an application to apply Class A sludge, Class AB sludge, or

1 Class B sludge to a land application unit that is:

2 (1) filed with the Texas Commission on Environmental
3 Quality on or after the effective date of this Act; or

4 (2) filed with the Texas Commission on Environmental
5 Quality before the effective date of this Act but not found to be
6 administratively complete before that date.

7 (b) A person who holds a registration or permit for the
8 application of Class A sludge, Class AB sludge, or Class B sludge
9 approved by the Texas Commission on Environmental Quality before
10 the effective date of this Act may apply Class A sludge, Class AB
11 sludge, or Class B sludge in accordance with the terms of the
12 registration or permit.

13 SECTION 5. This Act takes effect September 1, 2017.